

HOUSE BILL 3115

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 4 and Title 37, Chapter 1, relative to juvenile records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following language at the end of subdivision (a)(1)(B):

However, in the case of juvenile arrestees the fingerprint cards shall be delivered to the juvenile court, which shall cause the fingerprint cards to be transmitted to the Tennessee bureau of investigation only upon the juvenile being adjudicated delinquent for a violation that if committed by an adult would constitute one (1) or more of the offenses enumerated in § 37-1-133, and the juvenile was sixteen (16) years of age or older at the time the offense was committed.

SECTION 2. Tennessee Code Annotated, Section 8-4-115, is further amended by adding the following language to the end of subdivision (a)(1)(C):

In the case of a juvenile being adjudicated delinquent for a violation that if committed by an adult would constitute one of the offenses enumerated in § 37-1-133, and the juvenile was sixteen (16) years of age or older at the time the offense was committed, the juvenile court shall cause the R-84 Disposition Cards and fingerprint cards to be submitted in tandem to the Tennessee bureau of investigation;

SECTION 3. Tennessee Code Annotated, Section 37-1-133, is amended by deleting subsection (a) in its entirety, by substituting instead the following new subsections, and by renumbering the subsequent existing subsections accordingly:

(a) An order of disposition or other adjudication in a proceeding under this part is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment, except when otherwise authorized by law or when a juvenile is adjudicated delinquent for a violation that if committed by an adult would constitute one (1) or more of the following offenses: any Class A felony, aggravated kidnapping, aggravated robbery, rape, or aggravated sexual battery, and the juvenile was sixteen (16) years of age or older at the time the offense was committed. The Tennessee bureau of investigation shall release any such adjudications in its possession to any requesting agency that is authorized by state or federal law to submit fingerprints to the Tennessee bureau of investigation or the federal bureau of investigation for employment or licensing purposes.

(b) When a child is adjudicated delinquent for any offense listed in subsection (a), which was committed when the child was sixteen (16) years of age or older, or before the child admits the commission of any such offense when the child was sixteen (16) years of age or older, the juvenile court must notify the child that the child's adjudication and fingerprints will be forwarded to the Tennessee bureau of investigation, and that absent a subsequent expunction, the adjudication and fingerprints will be disclosed to authorized agencies and may prevent the child's employment or other connection with an authorized agency.

(c) A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of persons convicted of a crime, except as provided in § 37-1-134.

SECTION 4. Tennessee Code Annotated, Section 37-1-153(f), is amended by deleting the language "all court files and records" in its entirety and substituting instead the language "all

public records. For the purposes of this section public records shall have the same meaning given in § 40-32-101."

SECTION 5. Tennessee Code Annotated, Section 37-1-153(f), is further amended by deleting subdivision (f)(2) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 37-1-155, is amended by adding the following language to the beginning of subdivision (a)(1):

This section applies not only to fingerprints but also to other scientific methods of establishing an individual's identity, including, but not limited to, DNA testing or retinal scanning. References to fingerprints or fingerprinting shall be read to include such other identification methods.

SECTION 7. Tennessee Code Annotated, Section 37-1-155, is amended by deleting subdivisions (b)(1-4) in their entireties, substituting instead the following, and by renumbering the subsequent subsections appropriately:

(b)

(1) A child's local law enforcement records, files, fingerprints and photographs shall be destroyed within six (6) months after the individual reaches twenty-one (21) years of age, unless the individual was adjudicated delinquent for a violation that if committed by an adult would constitute one (1) of the offenses enumerated in § 37-1-133, and the juvenile was sixteen (16) years of age or older at the time the offense was committed, in which case the local law enforcement has the discretion to maintain or destroy such information after the individual reaches twenty-one (21) years of age.

SECTION 8. Tennessee Code Annotated, Section 37-1-182, is amended by deleting the section in its entirety.

SECTION 9. This act shall take effect July 1, 2010, the public welfare requiring it.